

REMARKS

Claims 15-37 were previously pending in the application. By this Amendment, Claim 15 is currently amended, Claim 17 is canceled without prejudice, new Claim 38 has been added and Claims 16 and 18-37 remain unchanged.

Applicants gratefully acknowledge the Examiner's allowance of Claims 34-37 and the indication that Claims 22, 23, 31 and 32 include allowable subject matter. The subject matter of Claim 22 has been presented in a new claim in independent claim form to include all the limitations of Claims 15, 17, 20 and 22, and while not containing all of the limitations of all of the base claims, it is believed that the invention presented in independent claim form as Claim 38 is clearly allowable over the art of record.

The claims stand rejected under the cited prior art of record. Specifically, Claims 15, 16, 18, and 28 were rejected under 35 U.S.C. §103(b) in light of U.S. Patent Number 5,157,940 to Bertu et al. ("Bertu"), in view of U.K. Patent Specification Number 389,535 to James ("James"). Claims 17, 19-21, 24-27, 29-30 and 33 were also rejected under 35 U.S.C. §103(a) in light of Bertu in view of U.S. Patent Number 6,090,422 to Taragan et al. ("Taragan").

Independent Claim 15 recites a refrigerating device which includes an exterior door with a non-evacuatable storage chamber. An exterior hollow-walled housing forms a hollow chamber therein. The hollow-walled housing and the door surround the storage chamber. An evacuatable storage compartment is positioned within the storage chamber. A vacuum pump is connected via a suction line to both the storage compartment and the hollow chamber. As now amended, Claim 15 further recites at least one pressure sensor arranged on the suction side of the pump with a control circuit coupled to the pressure sensor for controlling the pump.

It is respectfully urged that the invention as claimed is not obvious from the combination of references cited by the Examiner, as will become more clearly evident from the following discussion of the references presented herein for the Examiner's kind consideration.

Bertu discloses a refrigerator or freezer which includes a cabinet containing refrigeration and freezer compartments. The refrigerator also includes a vacuum pump from which a pipe extends to terminate in an additional compartment positioned between the refrigeration compartment and the freezer compartment. That additional compartment includes its own door which is connected to a support or basket slidable on guides associated with walls of the compartment. A container in which a vacuum is to be produced is removably placed in the basket. The container includes a lower box part which can be closed in a sealed manner and has a pipe connected to a sucker element. The pipe is connected to a vacuum pump. As the door is opened, the sucker separates and the vacuum is broken in the vacuum container. Upon closure, the pump then serves to regenerate the vacuum.

James discloses a heat-insulated storage chamber or cabinet in which the storage chamber is surrounded or partly surrounded by an outer space adapted to be connected to a vacuum pump or exhauster so that air can be exhausted either at will or automatically from the space. A second tube is connected to the storage chamber with both tubes interconnected to the pump. In this manner, the temperatures of the chamber and the space can be maintained equal by opening a particular valve thus interconnecting the chamber and the space to the pipe. In addition, depending on the position of the valve, air can be admitted into the chamber so that the door can be opened.

Notwithstanding the combination of Bertu and James, the two references still fail to render obvious Applicant's invention as now recited in amended Claim 15 which requires at least one pressure sensor arranged on the suction side of the pump with a

control circuit coupled to the pressure sensor for controlling the pump. No such structure is disclosed or suggested by either reference or the combination thereof.

Taragan discloses the use of a pressure sensor which when a door is first closed passes a signal to a timer so that a vacuum pump recirculates air from a vacuum compartment through a check valve, the vacuum pump and an air delivery passage back through a recirculation conduit to the vacuum compartment.

In this regard, a review of the drawings and the specifications does not reveal the positioning of the valve and in fact, the valve is only schematically shown in Figure 4 as part of an electrical control circuit. Accordingly, there is nothing in Taragan which teaches or suggests the pressure sensor arranged on the suction side of the pump with a control circuit coupled to the pressure sensor for controlling the pump.

For these and other reasons, the combination of references do not disclose or render obvious the subject matter defined by independent Claim 15. Therefore, Claim 15 is allowable. The other claims depend from an allowable claim or have been indicated to contain allowable subject matter, and are allowable for the same reason and also because they recite additional patentable subject matter. As to new Claim 38, it is urged that this claim is clearly allowable over the art of record particularly with respect to the pressure sensor and the evacuatability sensor as the evacuatability sensor is connected to the control circuit and coupled to the door to record the opening and closing state of the door. Claims 34-37 are allowed.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of Claims 15, 16, 18-33 and 38 is respectfully requested. Applicant thanks the Examiner for the allowance of Claims 34-37. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig J. Loest", with a stylized flourish at the end.

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